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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Armenia, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of Government",

Recalling its resolution 48/150 of 20 December 1993,

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, 3/ in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling further Commission on Human Rights resolution 1994/85 of 9 March 1994, 4/ by which the Commission extended for one year the above mandate of the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour and forced relocations, abuse of women, politically motivated arrests and detentions, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

Noting also the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 5/ on the protection of victims of war, the conclusion of cease-fire agreements with several groups of ethnic and religious minorities in Myanmar, the withdrawal of its reservations to the Convention on the Rights of the Child 6/ and the release of a number of political prisoners in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Welcoming the cooperation between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees on the voluntary repatriation of refugees from Bangladesh to Myanmar,

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3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

5/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

6/ Resolution 44/25.

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his interim report; 7/

2. Expresses also its appreciation to the Secretary-General for his report;

3. Deplores the continued violation of human rights in Myanmar;

4. Repeats its call on the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in her sixth year of detention without trial, and other political leaders and remaining political prisoners;

5. Welcomes the recent meetings between the Government of Myanmar and Nobel Peace Prize Laureate Aung San Suu Kyi and encourages the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives from ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

6. Welcomes also the recent discussions between the Government of Myanmar and the Secretary-General and further encourages the Government of Myanmar to continue to cooperate fully with the Secretary-General;

7. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that political parties can function freely;

8. Notes with concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes also that there is as yet no process nor timetable for concluding the National Convention;

9. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

10. Urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity

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7/ A/49/594 and Add.1, annex.

of the human being, to the practices of torture, abuse of women, forced labour, forced relocations, to enforced disappearances and summary executions;

11. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights 2/ and the International Covenant on Economic, Social and Cultural Rights 2/ and to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; 8/

12. Urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention 1984 (No. 87) of the International Labour Organization;

13. Stresses the importance for the Government of Myanmar to give particular attention to conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

14. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention and persons sentenced, inter alia, for seeking to communicate with the Special Rapporteur;

15. Regrets also that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

16. Calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 12 August 1949, 5/ in particular the obligations in article 3 common to the Conventions, and to make use of such services as may be offered by impartial humanitarian bodies;

17. Expresses its concern at the attack by Myanmar army soldiers on the civilian refugee camp at Halockhani on 21 July 1994;

18. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

19. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution, as well as in its efforts to achieve national reconciliation and to report to the General Assembly at its fiftieth session as well as to the Commission on Human Rights at its fifty-first session;

20. Decides to continue its consideration of this question at its fiftieth session.

8/ Resolution 39/46.